Hovsepian v. Apple, Inc.
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PATENT
Attorney Docket No.: 2473.0001-03

OIPE JC55 AUG 0 6 1998 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	**ATTN: BOX AF**
PAUL YURT et al.	Group Art Unit: 2734
Serial No.: 08/630,590	Examiner: Amanda Le
Filed: April 10, 1996	
For: AUDIO AND VIDEO TRANSMISSION AND RECEIVING SYSTEM	

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Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

AMENDMENT UNDER 37 C.F.R. § 1.116

In response to the February 18, 1998, Office Action, the period of response to which was extended three months through August 18, 1998, with the Petition for Extension of Time and payment of the requisite fee filed on July 23, 1998, Applicants propose amending the above-captioned application as follows:

IN THE CLAIMS:

Please amend the claims as follows:

C1

33. (Amended) A transmission system responsive to input from a user positioned at an accessing location for [providing] transmitting information [to be transmitted to remote locations,] to a remote location selected by the user, the transmission system comprising:

a plurality of [electronically connected library means] libraries for storing items containing information;

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identification encoding means for retrieving the information in the items from the plurality of [library means] libraries and for assigning a unique identification code to the retrieved information;

conversion means, coupled to the identification encoding means, for placing the retrieved information into a predetermined format as formatted data; and

transmitter means, coupled to the conversion means, for transmission of the formatted data to [one of the remote locations] the remote location selected by the user, wherein the remote location may be different from the accessing location.

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35. (Amended) A digital audio/video communication network comprising:

a [local] reception system in data communication with a plurality of subscriber receiving stations, the reception system comprising:

means for receiving compressed, digitized data representing at least one item of audio/video information at a non-real time rate,

means for storing a complete copy of the received compressed, digitized data, and

means, responsive to the stored compressed, digitized data, for transmitting a representation of the at least one item of audio/video information at a real-time rate to at least one of [a] the plurality of subscriber receiving stations [coupled to the local reception system], wherein said means for receiving, said means for storing, and said means for transmitting are

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positioned at the same location, and wherein the at least one of the plurality of subscriber receiving stations is located at a location different from a location of the reception system.

39. (Amended) A method of distributing audio/video information comprising:

transmitting compressed, digitized data representing a complete copy of at least one item of audio/video information at a non-real time rate from a central processing location to a local distribution system remote from the central processing location;

receiving, into a receiving means, the transmitted compressed, digitized data representing a complete copy of the at least one item of audio/video information[, at a local distribution system remote from the central processing location];

storing, in a storing means, the received compressed, digitized data representing the complete copy of the at least one item at the local distribution system; and

in response to the stored compressed, digitized data, transmitting, using a transmitting means, a representation of the at least one item at a real-time rate to at least one of a plurality of subscriber receiving stations coupled to the local distribution system, wherein the receiving means, the storing means, and the transmitting means are positioned at the same location, and wherein the at least one of the plurality of subscriber receiving stations is located at a location different from a location of the local distribution system.

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40. (Amended) A method as recited in claim 39, further comprising the step of decompressing the compressed, digitized data representing the complete copy of the at least one item of audio/video information before the transmitting step [transmission at a real time rate].

41. (Amended) A method as recited in claim 40, wherein the decompressing step is performed in the local distribution system to produce the representation of the at least one item for transmission to the at least one of the plurality of subscriber [station] receiving stations.

42. (Amended) A method of distributing audio/video information comprising:

formatting items of audio/video information as compressed digitized data at a central processing location;

transmitting compressed, digitized data representing a complete copy of at least one item of audio/video information from the central processing location;

receiving, into a receiving means, the transmitted compressed, digitized data representing a complete copy of the at least one item of audio/video information, at a local distribution system;

storing, in a storing means, the received compressed, digitized data representing the complete copy of the at least one item at the local distribution system; and

using the stored compressed, digitized data to transmit using a transmitting means a representation of the at least one item to at least one of a plurality of subscriber receiving stations

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coupled to the local distribution system, wherein the receiving means, the storing means, and the transmitting means are positioned at the same location, and wherein the at least one of the plurality of subscriber receiving stations is located at a location different from a location of local distribution system.

REMARKS

The Examiner rejected claims 33 and 34 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,195,092 issued to Wilson et al. ("Wilson"). This rejection is traversed.

Wilson discloses an interactive multimedia presentation and communication system. Particularly, Wilson discloses an "electronic shopping mall" in which a subscriber tunes his television to a particular channel, telephones a local number, follows log-on instructions given over the telephone, and uses the touch-tone keypad of the telephone to navigate through an electronic information system that displays multimedia presentations in the form of video images and accompanying audio on various items selected by the subscriber (column 1, lines 19-37). The subscriber enters codes and commands via a standard touch-tone telephone keypad in response to menus, graphics, and audio that are presented on a television screen, and by so doing selects a presentation that comprises video images and audio commentary about particular items displayed on the television screen (column 6, lines 60-68).

Wilson teaches a system significantly different from the present invention. For example, Wilson requires that the shopper be connected to the system resources by telephone for the duration of the transaction. This limits both telephone use by the subscriber as well as the

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availability of system resources to other subscribers. Furthermore, in the multimedia presentation and communication system of Wilson the subscriber is required to be physically present at the location to which information is transmitted.

In contrast, the present invention as recited in claims 33 and 34 provides a flexible system in which a user can remotely access information. Particularly, the user can request transmission of information to a remote locate that is selected by the user. The selected remote location can be different from an accessing location where the user was positioned when the information request was made.

In the pending Office Action, commenting on the November 21, 1997, Response filed by Applicants, the Examiner contends that Applicants were relying on features not recited in the pending claims to distinguish the claims from Wilson. See page 4, paragraph 2 of the February 18, 1998, Office Action. Applicants disagree because the claimed invention has always recited transmission of data to remote locations. This feature is neither disclosed nor suggested in Wilson, which require the subscriber to be physically present at the location to which information is transmitted.

To advance prosecution of this application, Applicants have amended independent claim 33 to clarify that the remote location to which the information is transmitted is different from the accessing location at which the user is positioned when making the request. As detailed above, this limitation of claim 33 is not disclosed in or suggested by Wilson. For at least this reason, independent claim 33, as well as claim 34 depending therefrom, are patentable over Wilson.

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The Examiner rejected claims 35-42 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,130,792 issued to Tindell et al. ("Tindell"). This rejection is traversed.

Tindell discloses a store and forward video system. As discussed at column 2, lines 54-68:

> At a remote location, a telephone **14** and receiving unit **16** are connected to the telephone network **12**. A video display device **18**, such as a television conforming to the NTSC standard, is connected to the receiving unit **16** for displaying video programs which have been transferred from the central data facility **10** to the receiving unit **16**. A viewer who wishes to down load a program from the central data facility **10** into his receiving unit **16** calls the central data facility **10** using the normal telephone **14**. After the program has been ordered, the user places the telephone **14** on-hook and switches the receiving unit **16** to standby. The central data facility **10** then returns the call and down loads the requested program into the receiving unit **16** for viewing at a time selected by the viewer.

The above passage makes clear that the receiving unit 16 disclosed in Tindell is located at the user premises. The receiving unit contains a mass storage device 78 that stores the compressed programming for viewing on video display 18 at a time selected by the user. When the user selects the play mode on receiving unit 16, the compressed data stored in receiving unit 16 is decompressed, the signal is converted and reconstructed, and the composite video signal is output to video display unit 18 for viewing. Thus, Tindell discloses storing the compressed data in a receiving unit that is located at the same location as the display unit, that is, the premises of the user.

In contrast, in the present invention as recited claims 35-42, the subscriber receiving station is located at a different location than where the compressed data is stored. Particularly, in independent claim 35, at least one of the plurality of subscriber receiving stations is located at a

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location different from the location of the reception system. Similarly, in claims 39 and 42, at least one of the plurality of subscriber receiving stations is located as a location different from a distribution system. Tindell does not disclose or suggest a plurality of video display units 18 coupled to a receiving unit 16. For at least these reasons, Tindell does not disclose or suggest claims 35-42.

In response to arguments distinguishing Tindell et al. from the claimed invention, the Examiner stated that she "interprets Tindell et al's 'receiving unit (16)' as the claimed 'local reception system' (claim 35) or 'a local distribution system' (claims 39 and 42), and Tindell et al's 'video display devices (18)' as the claimed 'subscriber receiving stations.'" See page 4, paragraph 3 through page 5, line 3 of the February 18, 1998, Office Action. The Examiner's interpretation is untenable because there is no disclosure or suggestion in Tindell that video display 18 is at a location remote from the receiving unit 16. See col. 2, lines 54-60.

To advance prosecution of this application, Applicants have amended independent claims 35, 39, and 42 to recite that the at least one of the plurality of subscriber receiving stations is located at a different location than the local distribution or receiving system. This is feature is neither disclosed nor suggested in Tindell et al.

Applicants request entry of this Amendment under 37 C.F.R. § 1.116 by the Examiner. The amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. The amendments should allow for immediate action by the

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Examiner. The entry of the amendments would allow Applicants to reply to the final rejection of claims 35-42 and place the application in condition for allowance.

Furthermore, the entry of the amendments would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims. Applicants therefore request entry of this Amendment, reconsideration and reexamination of this application, and timely allowance of the pending claims.

If there are any fees due in connection with the filing of this Amendment, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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By: ______________________
Doris Johnson Hines
Reg. No. 34,629

Dated: August 6, 1998

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